

Empty Homes Policy 2024

Responsible department:	Private Sector Housing Team
Date approved:	30 May 2024
Approval authority:	Executive Committee
Date of next review:	May 2026

Contents

1. Introduction.....	3
2. Relevant legislation and regulations.....	3
3. What is an empty home?.....	4
4. Why do properties become empty?.....	4
5. Identifying empty properties	5
6. Targeting empty homes	6
7. Encouraging owners to bring homes back into use.....	6
8. Our enforcement tools.....	7
Powers to secure improvements to properties	7
Empty Dwelling Management Orders	8
Final Empty Dwelling Management Orders	8
Enforced sale.....	8
Compulsory Purchase Order	8
Demolition and clearance	9
9. Empty homes premium	9
10. Second homes.....	10
11. Information requests	10
12. Policy monitoring & review.....	10
13. Contact us.....	10

1. Introduction

- 1.1 Empty properties represent more than just unused space; they stand as obstacles to tackling homelessness and contribute to various societal challenges. Their presence can drive down house prices, invite anti-social behaviour and vandalism, and pose risks to public health and safety as they fall into dilapidation.
- 1.2 Empty property owners are missing out on the chance to earn valuable income on their properties and are subject to higher rates of council tax and other insurance premiums.
- 1.3 Barking & Dagenham Council is dedicated to supporting empty property owners in reintegrating their properties back into the housing market and ensuring they are habitable and beneficial to communities.
- 1.4 In cases where owners are unwilling to engage with us, we will not hesitate to use our available enforcement powers to make sure properties are rendered hazard-free and returned to occupation.
- 1.5 We will also seek to take robust enforcement action against responsible parties in situations where an empty property presents a nuisance to neighbouring properties or is a danger to the public to ensure remedial action is taken.
- 1.6 This policy outlines our approach to tackling empty properties, with the aim of helping us to provide more vital homes for our residents. It underscores our unwavering commitment to ensuring residents live in good housing and avoid becoming homeless, as outlined in our Corporate Plan 2023-26.

2. Relevant legislation and regulations

- 2.1 This section outlines the legislative framework guiding our approach to addressing empty properties as a local authority. The following Acts and Regulations are central to our policies and responsibilities:
 - (i) The Law of Property Act 1925
 - (ii) The Housing Act 1985
 - (iii) The Housing Act 2004
 - (iv) The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012
 - (v) The Housing (Empty Dwelling Management Orders) (Prescribed Period of Time and Additional Prescribed Requirements) (England) (Amendment) Order 2012
 - (vi) Housing and Planning Act 2016
 - (vii) Neighbourhood Planning Act 2017

3. What is an empty home?

3.1 Empty homes are a complex issue with varying circumstances. To effectively address this issue, it is crucial to differentiate between two main categories:

- (i) **Transactional empty homes:** These properties are temporarily vacant for less than six months due to routine processes such as letting, renovating, buying, or selling. Transactional empty homes are integral to the fluidity of the property market and are not typically included in formal analyses of empty properties. While they may not be the primary focus of our efforts, the Council recognises that they can still pose concerns, albeit of a different nature. Examples of transactional empty homes include properties undergoing refurbishments, awaiting new tenants, or in transition between owners.
- (ii) **Long-term empty homes:** Dwellings that have remained vacant for more than six months fall into the category of long-term empty homes. These properties represent a persistent challenge in our communities. The Department for Levelling Up, Housing and Communities (DLUHC) publishes annual data on long-term empty homes for Council Tax purposes. However, it's important to note that this data may not capture the complete extent of the issue due to Council Tax exemptions for some long-term vacant dwellings.

4. Why do properties become empty?

4.1 Properties left vacant for more than six months often indicate underlying challenges that hinder their return to productive use. Research suggests that after a two-year period of vacancy, properties are at risk of further deterioration without intervention.

4.2 Common barriers faced by owners of long-term empty properties include:

- (i) **Inheritance and probate delays:** Legal complexities surrounding inheritance and probate can prolong the process of transferring property ownership, leaving properties vacant indefinitely.
- (ii) **Financial constraints:** Limited access to funds for necessary repairs and refurbishment may prevent property owners from bringing their properties back into use, especially if the cost of restoration exceeds the property's market value.
- (iii) **Owner's personal circumstances:** Illness, hospitalisation, or residential care may render property owners unable to manage their properties effectively or make decisions regarding their future use.
- (iv) **Ownership disputes:** Following the death of an occupant, unclear ownership status or disputes among potential heirs can impede efforts to reoccupy or sell the property.

- (v) Market challenges: Difficulty finding buyers or tenants, perceived issues with property letting, or unfavourable market conditions may discourage property owners from actively seeking to bring their properties back into use.
- (vi) Lack of willingness: In some cases, property owners may choose to keep their properties vacant due to personal preferences or other reasons, despite the potential benefits of returning them to productive use.

5. Identifying empty properties

5.1 We employ a variety of proactive and reactive channels for identifying empty homes:

- (i) Council Tax information: Council Tax intelligence serves as the primary source for identifying vacant properties in the private sector. Changes in Council Tax status indicate when a property becomes empty, allowing us to engage with property owners regarding their plans.

Table 1 – Council tax classes for empty properties

Class	Status
Class C	Unoccupied and unfurnished for more than six months
Class L	Unoccupied and unfurnished for two years or more but less than five years
Class L5	Unoccupied and unfurnished for five years or more
Class D	Unoccupied and requires or is undergoing structural alterations/major repair

- (ii) Professional reporting: Council officers and partner organisations, including the Local Police, Community Safety Team, Fire Brigade, Anti-Social Behaviour Team, Environmental Enforcement Team, Fire Authority, and Private Rented Property Licensing Team, serve as valuable sources of information on empty homes. This multi-agency approach helps detect properties of concern and target those causing nuisances through vandalism, fly-tipping, and criminal activities such as squatting and drug misuse.
- (iii) Online public reporting: Public reporting via the Council's website is another valuable source of information. It often brings attention to empty properties that blight local neighbourhoods and cause community issues. Acting on these reports allows for engagement with residents, aiding in initial investigations into ownership and circumstances.
- (iv) Neighbourhood complaints: Complaints are received via the Council's housing services, Ward Councillors, MP enquiries, and directly to the Empty Homes Officer. Neighbourhood complaints are particularly helpful as they provide insights into local community concerns and help prioritise interventions to address empty homes that impact residents' quality of life.

6. Targeting empty homes

- 6.1 We have a dedicated Empty Homes Officer within the Private Sector Housing Team who leads the identification, prioritisation, and resolution of domestic empty properties within the borough. This includes monitoring our empty homes database and maintaining accurate records.
- 6.2 We take a risk-based approach to targeting empty homes for investigation, prioritising properties that have been vacant for over two years and meet one or more of the following criteria:
- (i) They are considered an eyesore in the local neighbourhood.
 - (ii) They are attracting anti-social behaviour.
 - (iii) They are receiving high volumes of complaints.
- 6.3 Initial investigations seek to identify the property owner and understand their circumstances. Enforcement measures may be taken if the property poses an immediate threat to public health or safety, as detailed in Section 8 of this policy.
- 6.4 The Empty Homes Officer may also conduct inspections and surveys, internally and externally, to determine the condition, priority, and status of residential properties of concern that have been empty for more than six months.

7. Encouraging owners to bring homes back into use

- 7.1 Our primary approach to bringing empty homes back into use is to engage with property owners to understand their needs and offer assistance and advice. Owners can access various resources and support services, including:
- (i) Private sector leasing scheme: Owners can lease their properties to families in Barking & Dagenham who are in need of accommodation. The scheme typically lasts a minimum of three years, providing guaranteed rent and full property management through pre-approved managing agents.
 - (ii) Rent deposit scheme: Owners with available properties can connect with prospective tenants in Barking & Dagenham through the Council. The Council assists in providing a package that includes rent in advance, registered rent deposits, and incentives for assured shorthold tenancies lasting approximately 24 months.
 - (iii) VAT incentives for renovations: Property owners can receive advice on VAT incentives for renovation works, with lower VAT rates available for bringing empty homes back into use. Works on homes empty for more than ten years are zero-rated, while only 5% VAT is charged on homes empty for more than two years.

- (iv) Planning and building control guidance: Property owners can receive guidance on liaising with planning and building control authorities for major works or property conversions, including shared accommodation, bedsits, or flats.
- (v) Selling advice: Property owners can access advice on selling properties on the open market or through auctions.
- (vi) Property security guidance: Owners can receive advice on securing properties to prevent squatting.
- (vii) Landlord training: Property owners interested in becoming private landlords can access training and accreditation schemes for guidance and support.

8. Our enforcement tools

- 8.1 It is not unlawful to own an empty property, and there is no statutory notice to demand that it be brought back into use. However, we can and will take enforcement action to secure the improvement of empty properties in cases where the property is seriously detrimental to the neighbourhood or poses a risk to public health and safety. We may also seek a compulsory sale, purchase, or management order to recover any unpaid debts for works undertaken in default and bring a severe problem property back into use.

Powers to secure improvements to properties

- 8.2 The Council will use available powers and work with other departments where additional or alternative powers are available to intervene where an empty property is damaging neighbouring properties, is causing a public health hazard, or if the property has become insecure. This includes:
- (i) Local Government (Miscellaneous Provisions) Act 1982 s29 to take action to secure an insecure property.
 - (ii) Prevention of Damage by Pests Act 1949 allows the Council to require and undertake works on behalf of an owner or occupier to prevent damage to buildings being caused by rats and mice (can include works to property or gardens).
 - (iii) Public Health Act 1936 allows the Local Authority to require and undertake works on behalf of an owner or occupier to improve filthy and verminous properties.
 - (iv) Town and Country Planning Act 1990 s215 allows the Council to take action to require improvement of an unsightly building (including gardens).
 - (v) Sections 77 & 78 Building Act 1984 (dangerous structures).

- 8.3 Where statutory notices or works in default notices have not been complied with, owners may be issued with a Civil Penalty Notice or face prosecution in accordance with our Regulatory Enforcement Policy 2023 and the Civil Penalty Notice Policy.

Empty Dwelling Management Orders

- 8.4 Chapter 2 of Part 4 of the Housing Act 2004 made a provision for a Local Authorities to apply to the Residential Property Tribunal take over the management of an unoccupied property. It allows the housing authority to secure the occupation and proper management of privately owned housing and flats that have been unoccupied if:
- (i) The property has been unoccupied for a specified period of time.
 - (ii) The owner does not intend to take immediate steps to secure occupation of the property.
 - (iii) There is reasonable prospect that the property will become occupied if an interim EDMO is made, and
 - (iv) The Local Housing Authority has complied with its duties in seeking to make an interim EDMO, including any matters that may be set out in the regulations.

Final Empty Dwelling Management Orders

- 8.5 Final Empty Dwelling Management Orders can be used instead of Interim Management Orders in case where we consider the property would otherwise become or remain occupied.

Enforced sale

- 8.6 The Law of Property Act 1925 allows local authorities to recover charges through the sale of the property. Enforced sale is a procedure to recover debt which amounts to over £1000, but it can also serve as a way of bringing an empty property back into use. The Council will consider the use of Enforced Sale in cases where charges of work undertaken in default and attached to the property on the Local Land Charges Register are unrecovered. This is to ensure the owner cannot dispose of the property with the benefit of the improvements. Under the enforced sale procedure, the property is sold on the open market at auction.

Compulsory Purchase Order

- 8.7 The Council has the power to Compulsory Purchase to return an empty property to use under section 17 of the Housing Act 1985, however this will be dependent on the Council's financial resources and the current property values.
- 8.8 The making of a Compulsory Purchase Order is a last resort action and is normally triggered by an owner's refusal to act to improve the condition of the land and buildings, following negotiations with the Council.

Demolition and clearance

- 8.9 Demolition and clearance of empty properties which in the Council's opinion have been identified as dangerous structures will be determined on a case by case basis. Demolition will also be considered as the last resort, in line with the Council's Housing and Planning policies for the retention and improving of residential housing stock in the borough.
- 8.10 In all cases the Council will also ensure that a full structural survey is undertaken in support of any decision made in respect of demolition. The costs of any works to render the property fit for occupation will form part of the council's decision.

9. Empty homes premium

- 9.1 In accordance with our Council Tax Policy, a Council Tax premium will be imposed on properties that have been 'unoccupied or substantially unfurnished' for an extended period.
- 9.2 The long-term empty premium amount is as follows:
- 100% extra for properties empty and unfurnished for more than two years.
 - 200% extra for properties empty and unfurnished for more than five years.
- 9.3 As the premium applies to the property, a change of owner or tenancy will not change the premium. For example, if you purchased or leased your property already empty and unfurnished for two years or more, you will have to pay the premium.
- 9.4 The premium can only be stopped by bringing the property back into use. A period of occupation of 43 days or more 'resets the clock'.
- 9.5 There are two types of properties not affected by the premium:
- (i) Properties left empty by a member of the armed services, who is away from the property because of their service.
 - (ii) Properties which form part of a single property, for example, an annexe.
- 9.6 Properties being refurbished are not subject to Council Tax charges. Owners of such properties will only receive this discount if the Valuation Office Agency (VOA) deletes the property from the Council Tax list because it is derelict, uninhabitable, being rebuilt, or structurally altered.
- 9.7 If you would like to get a derelict property removed from the Council Tax valuation list, please apply to the Valuation Office Agency directly: <https://www.gov.uk/challenge-council-tax-band>.

10. Second homes

- 10.1 We recognise that there are genuine, legitimate reasons for properties to be used as second homes. The Council generally does not seek to intervene in these cases unless there is credible suspicion that the second home classification has been obtained dishonestly.
- 10.2 In such instances, property owners will be requested to provide evidence demonstrating the legitimate use of the property as a second home. If deemed necessary, they may be subject to a formal investigation and subsequent enforcement action per Section 8 of this policy.

11. Information requests

- 11.1 We are unable to release or publish the list of properties recorded on our empty homes database due to concerns that disclosing this information could make them vulnerable to criminal activity. As outlined in the Freedom of Information Act 2000, we are not obligated to provide information that could prejudice the functions of law enforcement, particularly in the prevention and detection of crime.

12. Policy monitoring & review

- 12.1 We are committed to regularly reviewing this policy every two years to evaluate its effectiveness in addressing the Council's strategic priorities and supporting the needs of our communities. Updates may also be made, as needed, in response to legislative changes.

13. Contact us

- 13.1 If you have any questions or feedback regarding this policy or would like some advice regarding an empty property, please don't hesitate to contact the Empty Homes Officer:
- By mail: Private Sector Housing Team, London Borough of Barking and Dagenham Barking Town Hall, 1 Clockhouse Avenue, Barking, IG11 7LU.
 - By email: PRPL@lbbd.gov.uk or
 - By phone: 020 8724 8898.
- 13.2 We aim to respond to all enquiries in a timely manner. Please allow ten working days for a response.